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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,697	04/09/2004	Robert P. Bishop	31141-101	1539
26486 7590 04/24/2007 BURNS & LEVINSON, LLP 125 SUMMER STREET BOSTON, MA 02110			EXAMINER DREIDAME, HUNTER M	
			ART UNIT	PAPER NUMBER
			3635	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/821,697

Applicant(s)

BISHOP, ROBERT P.

Examiner

Hunter M. Dreidame

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/02/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) 3, 5, 9, 16 - 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6 - 8, 10 - 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 23 August 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Election/Restrictions

Upon further consideration of the Election of Species made on 02 November 2006, the examiner is further withdrawing claim 18, as it reads on non-elected Species V. Claim 18 refers to feet diverging in a curve-like geometry, as shown in Figure 2D. Figure 2D is drawn to non-elected Species V.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6, 7, 10, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 2,096,648 to Place.

Claim 1:

Place discloses a clip (11, Fig. 1) for securing objects to a top surface (22, Figs. 6, 7) of spaced apart surface members (shown in Fig. 6) of substantially uniform thickness with sides of adjacent ones of the members substantially parallel to each other (shown in Fig. 6), comprising a head (14, Fig. 1) defining a substantially

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contiguous aperture (space between 15, 16, Fig. 1) forming length of material adapted to be capable of receiving connectors to an object in the aperture formed thereby and having a maximum span dimension greater than the spacing between the surface forming members in the space therebetween (shown in Fig. 6); a pair of legs (17, 18, Fig. 1) extending from the head, the legs each dimensioned to fit in the spacing between the surface forming members and to traverse the thickness of adjacent ones of the surface members in the space therebetween (shown in Fig. 6); and a pair of feet (19, 20, Fig. 1) with one foot extending from each one of the pair of legs, the feet diverging from the thickness traversing direction of the legs in opposite directions to span a distance greater than the spacing between the surface members (shown in Fig. 6), the feet being constructed and arranged to lie flat against undersides of the adjacent members after passing through the said space between said members, the clip is rotated and it is pulled in the head direction (shown in Figs. 6, 7).

Claim 2:

Place discloses that the legs are substantially co-planar with the head (shown in Fig.1).

Claim 4:

Place discloses that the feet are substantially coplanar with the head (shown in Fig. 1).

Claim 6:

Place discloses that the head, the pair of legs and the pair of feet thereof are formed as a single element (shown in Fig. 1).

Claim 7:

Place discloses the clip of claim 6, wherein the single element comprises a wire (lines 51 – 56, col. 5).

Claim 8:

Place discloses that the legs are spring-loaded to separate from one another so as to engage an opposing surface member (shown in Fig. 7).

Claim 10:

Place discloses that the head is formed in a shape selected from the group consisting of rings, ellipsoids, and multi-sided shapes (multi-sided shape as shown in Fig. 1).

Claim 13:

Place discloses that the clip is composed of spring-tempered material (lines 3 – 8, col. 3).

Claim 14:

Place discloses the clip of claim 13, wherein the legs are compressible to a position within the spacing between the surface members such that the feet diverge in separate planes substantially parallel to a plane including the head (Fig. 1).

Claim 15:

Place discloses that the feet diverge in substantially straight, diametrically opposed directions (shown in Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2,096,648 to Place in view of US Patent 6,893,025 to Hight, Jr. et al.

Claim 11:

Place discloses to clip of claim 1, as discussed above. Place does not disclose that the element is composed of a high-strength, corrosion resistant material. Hight, Jr. et al. disclose a clip (Fig. 1) wherein the element is composed of a high-strength, corrosion resistant material (lines 30 – 33, col. 3). In view of Hight, Jr., et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to have composed the clip of Place with the material of Hight, Jr., et al. as a means of further strengthening and providing greater longevity for the clip.

Claim 12:

Hight, Jr., et al. disclose the clip wherein the material is selected from the group consisting of stainless steel, brass, aluminum, and plastic (lines 30 – 33, col. 3, Hight, Jr., et al.).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter M. Dreidame whose telephone number is (571)272-5177. The examiner can normally be reached on Monday - Friday 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571)272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HD



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Group 3600